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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

ANDRES MAGANA ORTIZ, Petitioner, vs. JEFFERSON SESSIONS III, U.S. Attorney General, Department of Justice; JOHN F. KELLEY, Secretary, U.S. Department of Homeland Security; ERIK BONNAR, Director, U.S. Department of Homeland Security, San Francisco Immigration and Customs Enforcement; MICHAEL A. SAMANIEGO, Assistant Field Director, Detention and Removal Operation, Immigration and Customs Enforcement. Respondents.	Case No. 17-210 PETITION FOR WRIT OF HABEAS CORPUS; **EMERGENCY REQUEST FOR STAY OF DEPORTATION**; EXHIBITS “A” – “C”; VERIFICATION; CERTIFICATE OF SERVICE

PETITION FOR WRIT OF HABEAS CORPUS

This is an action brought pursuant to 28 U.S.C. §2241, *et seq.* requesting the Court to issue a writ of habeas corpus and enjoin Petitioner's imminent removal to Mexico by the U.S. Department of Homeland Security (USDHS).

I. INTRODUCTION

Petitioner ANDRES MAGANA ORTIZ (hereafter "ANDRES") is a 43 year old, native and citizen of Mexico who entered the United States 28 years ago without inspection. He is subject to final order of removal to Mexico as explained below. ANDRES has exhausted his administrative remedies concerning his status in the United States and the Ninth Circuit Court of Appeals dismissed his Petition for Review for lack of jurisdiction. Because ANDRES has a U.S. citizen wife, and three U.S. born children, and is a successful businessman in Kailua-Kona, the Department previously granted him several Form I-246 Applications for Stay of Removal. However, Petitioner's November 2, 2016 Form I-246 Application for Stay of Removal (hereafter "Form I-246") was denied on March 21, 2017 and he was ordered to report on April 18, 2017 for departure to Mexico.

On April 4, 2017, ANDRES filed a fourth Form I-246 asking for a 9-month extension of his stay so that the Department could adjudicate his U.S. citizen wife's pending I-130 Petition for Alien Relative (hereafter "I-130 Petition"), and also so that his U.S. citizen daughter who will be turning 21 years old on August 6, 2017, could file a new I-130 Petition for Alien Relative for Petitioner. ANDRES understands that under the existing law, he must return to Mexico to obtain his immigrant visa. Upon his departure, ANDRES is subject to the 10 year bar for unlawful presence and will require an approved Form I- 601A provisional waiver to return to the United States. This waiver cannot be filed until an interview on his wife's I-130 Petition is scheduled and the Petition is approved by Respondents.

On April 18, 2017, ANDRES appeared before the Department and was briefly detained but released upon posting a $10,000.00 bond and is now scheduled to depart the United States no later than May 15, 2017.

ANDRES' wife, his three children, and his coffee business in Kona will suffer irreparable harm if Respondents do not process and adjudicate an I-130 Petition filed by Petitioner's wife which has been pending for over a year, or allow ANDRES' daughter to file a new I-130 relative petition for him. If the I-130 Petition is not approved, he may not be able to return to the United States. ANDRES asserts that his due process rights under the United States Constitution and applicable law and regulations have been violated and the Department has abused its discretion in denying his April 4, 2017 Form I-246 Application for Stay of Deportation.

II. JURISDICTION AND VENUE

1. Jurisdiction is proper in this Court pursuant to 28 U.S.C. 1331c, 28 U.S.C. §2241, *et seq.* and the suspension clause, Article 1, Section d, Clause 2 of the U.S. Constitution. Also, this Court has jurisdiction pursuant to *Magana-Pizano v. INS*, 200 F.3d 603 (9th Cir. 1999).

2. Venue is proper as Petitioner and one of the Respondents are physically located in the District of Hawaii.

3. Following *Felker v. Turpin*, 116 S. Ct. 2333 (1996), the Ninth Circuit in *Duldulao v. INS*, 90 F.3d 396 (9th Cir. 1996) and *Magana-Pizano v. INS*, 200 F.3d 603 (9th Cir. 1999), has determined that habeas corpus has not been abolished under the Antiterrorism and Effective Death Penalty Act (AEDPA), Pub.L. 104-132, 110 Stat. 1214 (1996), and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), Pub. L. 104-208, 110 Stat. 3009.

III. PARTIES

4. Petitioner ANDRES is a 43 year-old male, married, native and citizen of Mexico.

5. JEFFERSON SESSIONS III is the Attorney General of the United States, Department of Justice. As such Respondent is charged with the duty of administration and enforcement of the functions, powers and duties of the Untied States Department of Justice.

6. JOHN F. KELLEY is the Secretary, U.S. Department of

Homeland Security. As such, Respondent is charged with the duty of administration and enforcement of the functions, powers and duties of the U.S. Department of Homeland Security.

7. ERIK BONNAR is the Director, U.S. Department of Homeland Security, San Francisco Immigration and Customs Enforcement. As such, Respondent is charged with the duty of administration and enforcement of the functions, powers and duties of the Immigration and Customs Enforcement. He denied ANDRES' April 4, 2017 Form I-246 on April 18, 2017.

8. Respondent MICHAEL A. SAMANIEGO is the Assistant Field Office Director, Detention and Removal Operation, U.S. Department of Homeland Security, Immigration and Customs Enforcement. As such, Respondent is charged with the duty of administration and enforcement of the functions, powers and duties of the Immigration and Customs Enforcement, including the enforcement of removal orders.

IV. FACTUAL BACKGROUND

9. ANDRES is a 43-year old married male, native and citizen of Mexico. He has now resided in this country for about 28 years. In June of 2012, he met BRENDA JOSEPHINE CLEVELAND-REYNOLDS (hereafter "BRENDA") in Kailua-Kona and they commenced dating soon thereafter. They started living together at BRENDA's residence in August 2015. They were

happily married in the presence of family, relatives and friends on January 16, 2016 at their residence. There were over 20 guests at the wedding and the wedding party.

10. Soon after their marriage, BRENDA filed an I-130 Relative Petition for Alien Relative ("I-130 Petition") on behalf of her husband ANDRES, pursuant to INA §201(b), 8 USC §1151(a), which was received by the Department on March 29, 2016. The Department accepted the petition, issued a receipt and assigned case number LIN-16-905-41398). *See* Exhibit "A". That I-130 Petition is still pending is and is beyond normal processing times. The I-130 Petition sought to classify ANDRES as an immediate relative pursuant to Section 201(b) of the Act, 8 USC §1151(b). Persons classified as immediate relatives are eligible to be issued immigrant visas and be admitted to the United States without regard to numerical quota or limitation. In this case, upon approval of BRENDA's I-130 Petition, ANDRES would be eligible to file an I-601A provisional waiver application with the USCIS that will allow him to return to Mexico to obtain his immigrant visa and return to the United States.

11. ANDRES has three U.S. born children. The oldest of the three children is VICTORIA MAGANA LEDESMA (hereafter "VICTORIA") who was born on August 7, 1996, in Hawaii. In about three months, VICTORIA will turn 21 years old. Upon her 21st birthday, VICTORIA will be able to petition for her

father as an immediate relative as the law does not allow the petition to be filed before her 21st birthday. Petitioner's second daughter PAOLA MAGANA LEDESMA (hereafter "PAOLA") was born on October 8, 2002 and is now 14 years of age. Petitioner's youngest child, HECTOR MAGANA LEDESMA (hereafter "HECTOR"), was born on November 16, 2004. He is now 12 years old.

12. ANDRES was placed in a removal proceedings by a Notice to Appear ("NTA") filed by the Department of Homeland Security on March 22, 2011 with the Immigration Court in Honolulu, Hawaii. ANDRES was charged with being removable under INA §212(a)(6)(A)(I), 8 USC §1182, alleging that he is an alien present in the United States without being admitted or paroled or who arrived in the United States at a time or place other than designated by the Attorney General. The Department of Homeland Security lodged four factual allegations in support of that charge of removal. It was alleged that the Petitioner is not a citizen or national of the United States, and is a native and citizen of Mexico. The NTA further alleges that the Petitioner arrived in the United States at or near an unknown place on or about an unknown date, and that upon arrival, Petitioner was not admitted or paroled after inspecting by an Immigration Officer. Petitioner through his counsel admitted the four factual allegations and the Immigration Court then sustained the charge of removal, finding that the Petitioner was

removable by clear and convincing evidence. Following a merits hearing, Petitioner's applications for relief were denied on December 22, 2011.

13. The Immigration Judge found that ANDRES was qualified for voluntary departure and cancellation of removal for certain non-legal permanent resident under INA §240A(b)(1), 8 USC §1229(b). This provision of law provides that the Attorney General may cancel removal of and adjust the status of an alien lawfully admitted for permanent residence, an alien who is inadmissible or deportable from United States, if the alien: (1) has been physically present in the United States for a continuous period not less than 10 years immediately preceding service of the charging document and up to the time of application, (2) has been a person of good moral character for 10 years prior to a final administrative order, (3) has not been convicted of a disqualifying offense, and (4) establishes that removal would result in exceptional and extremely unusual hardship to the applicant's spouse, parent, or child who is a United States citizen or lawful permanent resident. The applicant must also demonstrate that he or she merits a favorable exercise of discretion. *See Matter of Arai*, 13 I&N Dec. 494 (BIA 1970).

14. The Immigration Judge noted, at the conclusion of removal proceedings, the Court may grant voluntary departure in lieu of removal. The alien bears the burden to establish both that he is eligible for relief, and that he merits a favorable exercise of discretion. To establish eligibility, the alien must prove that

he: (1) has been physically present in the United States for at least one year immediately proceeding the NTA, (2) is and has been a person of good moral character for at least five years preceding his application for voluntary departure, (3) has not been convicted of any disqualifying conviction, and that he establishes by clear and convincing evidence that he has the means to depart the United States and intends to do so. The alien must also provide testimony or information to support his eligibility as a matter of discretion.

15. On December 22, 2011, the Immigration Judge found that while ANDRES has three U.S. citizen children who are qualifying relatives, he had failed to establish that his removal would result in exceptional and extremely unusual hardship to his qualifying relatives. ANDRES claims that his former legal counsel failed to develop independent hardship evidence at a hearing. The Court then denied ANDRES' request for voluntary departure as a matter of discretion.

16. ANDRES appealed the December 22, 2011 decision of the Honolulu Immigration Judge to the Board of Immigration Appeals. On February 7, 2014, the Board affirmed the Immigration Judge's decision, stating:

> We affirm the Immigration Judge's denial of cancellation of removal based upon the respondent's *failure to demonstrate that his removal would result in exceptional and extremely unusual hardship to his United States citizen children*. *See* §240A(b)(1)(D) of the Act, 8 U.S.C. §1229b(b)(1)(D). To qualify for this relief, the respondent must demonstrate that his removal will result in hardship to his qualifying relatives that is

> "substantially beyond" the hardship ordinarily associated with a person's ordered departure from the United States.
> *Emphasis added.*

17. ANDRES was granted employment authorization by USCIS on November 11, 2013 for one year until November 19, 2014.

18. On February 20, 2014, ANDRES filed a Petition for Review with the Ninth Circuit Court of Appeals to review the decision of the BIA. On March 3, 2014, a Motion for Stay of Removal Pending Review of Petition for Review was filed with the Court and granted. On May 12, 2014, the Ninth Circuit Court of Appeals dismissed the Petition for Review for lack of jurisdiction. The Court noted that the Petitioner had failed to raise a colorable constitution or legal claim to invoke the jurisdiction over his Petition for Review. The Mandate was later issued.

19. On September 9, 2014, ANDRES, through his new legal counsel, filed Form I-246 Application for a Stay of Deportation or Removal (Form I-246) with the Department, which was granted on September 23, 2014 for one year. On September 2, 2015, a second Form I-246 was filed requesting one year extension but no action was taken on that application.

20. While the second Form I-246 was pending, ANDRES married his long time companion, BRENDA, on January 23, 2016. This is second marriage for both. BRENDA and ANDRES first met in June 2012 and started living

together at BRENDA's residence in Kailua-Kona in August 2015, and continues to live together.

21. On November 2, 2016, ANDRES filed another Form I-246 for a Stay of Deportation or Removal. That application was denied on March 21, 2017.

22. On March 22, 2017, a Notice to Removable Alien was received by Petitioner to report to the Department of Homeland Security for departure to Mexico on April 18, 2017 and Petitioner timely appeared.

23. On April 4, 2017, ANDRES filed a fourth Form I-246 for Stay of Deportation or Removal which was supplemented on April 17, 2017. This application was denied on April 18, 2017 by ERIK BONNAR, District Field Office of San Francisco Office of the ICE, Department of Homeland Security and ANDRES was informed of this decision on April 18, 2017. *See* Exhibit "B".

24. On April 18, 2017, ANDRES, through his daughter VICTORIA, posted a bond in the amount of $10,000.00 with the Department of Homeland Security and agreed to leave the United States no later than May 16, 2017. *See* Exhibit "C". Otherwise, ANDRES would have been placed in the Federal Detention Center and deported to Mexico. ANDRES has purchased an airline ticket for his departure on May 15, 2017.

25. ANDRES' three U.S. born children will suffer immediate and irreparable financial and emotional hardship and instability if ANDRES is deported at this time. ANDRES' oldest U.S. citizen daughter VICTORIA is now attending the University of Hawaii at Hilo, and her father is financing her education. She will have no alternative but to withdraw from school if her father is deported and she must find employment to support herself.

26. ANDRES also provides financial support for his other two younger children in the amount in excess of $1,800.00 a month. If ANDRES is deported at this time, the children will probably lose their home. Currently, their home is maintained through a barter arrangement between ANDRES and the owner of the property. If ANDRES is removed, the family will be required to vacate and find alternative housing as he currently covers all the household expenses. He pays for water, electrical, cable and internet, and telephone/mobile bill as well as for house phone for the entire family. ANDRES is deeply concerned that his children may end up in the child welfare system following his detention or deportation.

27. ANDRES is an important businessman in the Kona coffee industry and community. He is a successful, knowledgeable and respected coffee farmer, coffee producer and farm manager with a reputation for honesty, reliability and good management practices. He is a community leader in adopting

management practices to overcome the challenges due to the infestation of the Coffee Berry Borer, which represents fatal threats to the coffee industry on Kona. ANDRES is important to the community where he resides. THOMAS GREENWELL, President of Greenwell Foods has written a letter in support for ANDRES to U.S. Senator Hirono.

28. ANDRES' company has contracts with coffee farm owners who are senior citizens who no longer can physically farm their land and whose children have left the island. ANDRES maintains these farms and pays the farmers a fee or percentage of the coffee crop so that they can remain in their homes. These farmers will also suffer great hardship if ANDRES is removed at this time.

29. On the critical issue of exceptional and extremely unusual hardship, ANDRES' former legal counsel did not provide any independent evidence to the Immigration Court showing such hardship to his three U.S. citizen children. Later, after administrative proceedings were over, as noted below, ANDRES asked Dr. Marvin Acklin to provide a hardship assessment for the Department in connection with his first request for an application on Form I-246 for Stay of Deportation or Removal. Dr. Marvin Acklin stated in his report, in part:

> Although I have appeared in the Honolulu immigration on a number of occasions, I was not retained at an earlier stage of this case. If so, I would have provided an opinion to the judge that the factors at play in this exceed the ordinary hardship

> standard, for a variety of reasons. The deportation of father, in the absence of any meaningful economic ties to the US, will expose the younger children to poverty, and older daughter will lose her access to higher education...
>
> These children are entirely dependent upon a responsible parent given their lack of maturity, experience and capacity for making life decisions. Given the fact that mother is also undocumented and faces potential removal, in the absence of their father's presence, the children fact the possibility of foster placement and reliance upon public welfare services. Psychosocial research on the impact of children who have been forcibly separated from their parents include short and long-term disruption of the family unity, social and economic stress, poor educational outcomes, economic insecurity, reduced mobility, and mistrust of law enforcement. The unity and integrity of the family is the children's most powerful resource in children's healthy development. Researchers have found support of significant influxes of separation as a negative experience that elicits numerous psychological and economic downfalls detrimental for the future development and self-realization of children and families involved.

30. In ANDRES' April 4, 2017 Form I-246 Application for Stay of Deportation or Removal, ANDRES acknowledged that he is legally required to return to Mexico to obtain his immigrant visa because he entered without inspection. He requested a stay of removal for 9 months for two reasons. First, his U.S. citizen daughter VICTORIA will turn 21 years old on August 8, 20917 and will be able to file an I-130 relative petition for ANDRES. Second, an I-130 Petition filed by his U.S. citizen wife BRENDA has been pending of more than a year and is beyond normal processing times. BRENDA has contacted United

States Senator Hirono's office and requested that her office contact USCIS to schedule an interview because of the significant delay in processing, which the Senator's Office has done. Upon approval of either of these two petitions, ANDRES will be able to file an I-601 provisional waiver which upon adjudication by USCIS will enable him to return to Mexico with a waiver of the 10 year bar for unlawful presence. This bar is activated upon Petitioner's departure from the United States.

31. ANDRES is in "custody" or "constructive custody". As alleged in Paragraph 23, ANDRES would have been placed in physical custody in the Federal Detention Center on April 18, 2017, but he posted bond in the amount of $10,000.00 with the Department of Homeland Security, with the understanding that he will leave the United States no later than May 16, 2017. If not for the fact that ANDRES posted bond, the Immigration and Customs Enforcement would have placed him in physical custody in the Federal Detention Center. ANDRES is under actual restraint by Immigration and Customs Enforcement. Restraint precluding freedom of action is sufficient custody notwithstanding lack of confinement in a prison. ANDRES was released under bond or bail and is in the custody of the law. *See Bates v. Bates*, 141 F.2d 723 (D.C. Cir. 1944) (The argument that the appeal [in the habeas corpus case] should not be entertained, because the appellant has been released on bail, and therefore, as is claimed, is not

now restrained of his liberty, is plainly unsound. The appellant may not be in prison; but he is in the custody of the law, and is most unquestionably restrained of his liberty.") *See* also *Williams v. INS*, 795 F.2d 738, 744-45 (9^{th} Cir. 1986) (although the petitioner was not in physical custody, the petitioner deemed to be "in custody" because he was subject to a final order of deportation).

32. On May 5, 2017, Petitioner and his wife together filed a Verified Complaint for Mandamus and for Declaratory Relief with this Court to compel the Department of Homeland Security and its officers to adjudicate the Form I-130 Petition filed by Petitioner's wife on March 25, 2016. *Cleveland-Reynolds v. Kelley et al*, 1:17-cv-00207-LEK-KJM.

V. CLAIMS FOR RELIEF

1. Petitioner respectfully requests this Court to stay his removal from Hawaii for a period of 9 months for the reasons set forth in this Petition.

2. Petitioner further requests that this Court find that Petitioner and his family have been denied due process of law under the Fifth Amendment under the United States Constitution and not in accordance with law and applicable regulations by the failure of Respondents and the Department of Homeland Security to adjudicate the I-130 Petition filed by Petitioner's wife on March 25, 2016 which is beyond normal processing times.

3. Petitioner further requests that Respondents be ordered to adjudicate the I-130 Petition filed by his wife on an expedited basis.

4. Petitioner further requests that this Court find that Respondents greatly abused their discretion and denied Petitioner due process of law in refusing to approve Petitioner's April 4, 2017 Form I-246 Application for Stay of Deportation or Removal. *See INS v. St. Cyr*, 533 U.S. 289, 307 (2001); *Ma v. Ashcroft*, 257 F.3d 1095, 110 (9th Cir. 2001) (claims of abuse of discretion in the application of immigration laws have long been cognizable in habeas corpus).

5. Petitioner further requests that this Court find that Petitioner, his wife, his three U.S. children are being denied substantive and procedural due process of law as guaranteed by the Fifth Amendment to the United States Constitution where Respondents have approved previous applications for Stay of Removal for Petitioner and as Petitioner's removal to Mexico will cause them immediate and irreparable injury as a result of Respondents' denial of Petitioner's April 4, 2017 Form I-246 Application for Stay of Deportation or Removal. Petitioner further claims that Respondents actions are inconsistent with the fundamental principles of justice embraced within the conception of due process of law. *See Kwock Jan Fat v. White*, 253 U.S. 454, 450 (1920).

6. Petitioner respectfully requests that this Court stay his removal from Hawaii to Mexico for the period of time requested on Petitioner's April 4,

2017 Form I-246 and to enjoin Respondents from taking any action to cancel or void the immigration bond posted by Petitioner's daughter.

VI. PRIOR REVIEW

No petition for habeas corpus has previously been filed in any court to review the decisions and actions described in this petition. As noted above, Petitioner did file a Petition for Review with the United States Court of Appeals for the Ninth Circuit, which has since been dismissed for lack of jurisdiction.

VII. IRREPARABLE HARM

The irreparable injury to the Petitioner is distinct and obvious. In addition to the harsh consequences, removal and detention of the Petitioner will have a devastating economic and psychological effect on Petitioner and his United States citizen family. He is not a threat to the community and has always reported to USDHS when requested.

WHEREFORE, Petitioner prays as follows:

1. That a writ of habeas corpus shall be issued and directed to the Respondents, requiring the Respondents to show cause why the Petitioner should not be discharged from the restraint of liberty now imposed upon the Petitioner by the Respondents and allowed to remain in Hawaii until the Court rules on his petition.

2. That the Court issued issue a Stay of Deportation directed to Respondents to prohibit Respondents or any of their agents or officers from removing or deporting Petitioner to Mexico until the Court rules on his petition and an order enjoining Respondents from taking any action to cancel or void the immigration bond posted by Petitioner's daughter while this case is pending before the Court.

3. That the Court bar and enjoin the Respondents or anyone acting through him from deporting or otherwise causing the Petitioner to depart from Hawaii until a full and complete hearing on the merits of the above Petition and any extensions and continuances thereof and any appeal therefore has been entertained and exhausted.

4. That the Court grant any other and further relief that the Court may deem just, appropriate and reasonable.

DATED: Honolulu, Hawaii, May 10, 2017.

s/ JAMES A. STANTON

JAMES A. STANTON

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

ANDRES MAGANA ORTIZ, Petitioner, vs. JEFFERSON SESSIONS III, U.S. Attorney General, Department of Justice; JOHN F. KELLEY, Secretary, U.S. Department of Homeland Security; ERIK BONNAR, Director, U.S. Department of Homeland Security, San Francisco Immigration and Customs Enforcement; MICHAEL A. SAMANIEGO, Assistant Field Director, Detention and Removal Operation, Immigration and Customs Enforcement. Respondents.	VERIFICATION

VERIFICATION

I, ANDRES MAGANA ORTIZ, being duly sworn under oath, hereby states: I am the Petitioner in this case, and I verify that the information contained in the foregoing Petition is true and correct to the best of my knowledge and belief.

DATED: Kailua-Kona, Hawaii, May 10, 2017.

s/ ANDRES MAGANA ORTIZ

ANDRES MAGANA ORTIZ

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

ANDRES MAGANA ORTIZ, Petitioner, vs. JEFFERSON SESSIONS III, U.S. Attorney General, Department of Justice; JOHN F. KELLEY, Secretary, U.S. Department of Homeland Security; ERIK BONNAR, Director, U.S. Department of Homeland Security, San Francisco Immigration and Customs Enforcement; MICHAEL A. SAMANIEGO, Assistant Field Director, Detention and Removal Operation, Immigration and Customs Enforcement. Respondents.	Case No. 17-210 CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

TO: JEFFERSON SESSIONS III, U.S. Attorney General
Department of Justice
900 Pennsylvania Avenue NW
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JOHN F. KELLEY, Secretary
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ERIK BONNAR, Director
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MICHAEL A. SAMANIEGO, Assistant Field Director
Detention and Removal Operation
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595 Ala Moana Boulevard
Honolulu, Hawaii 96813

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12(a)(2) or (3) — you must serve on the Petitioner an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the Petitioner or Petitioner's attorney, whose name and address are: STANTON LAW GROUP, 900 Fort Street, Suite 1110, Honolulu, Hawaii 96813.

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

DATED: Honolulu, Hawaii, ______________________________.

CLERK OF COURT

____
Signature of Clerk or Deputy Clerk